
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

J.C. CONSULTING, LLC,

Plaintiff,

vs.

MONEY AND MORE, INC. et al.,

Defendants.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:09CV830 DAK

This matter is before the court on a Motion to Withdraw As Counsel filed by counsel for Defendants Money & More, Inc. and Gale P. Robinson. For the reasons set forth in the memorandum in support of the motion, the court will permit counsel to withdraw.

These Defendants, however, currently have a Motion to Dismiss pending, which is set for oral argument on March 31, 2010. This hearing will be vacated, and a short stay—through April 6, 2010—will be granted for these Defendants to find new counsel.

Defendant Ms. Robinson may represent herself, but Defendant Money & More, Inc., may not proceed without counsel. *See, e.g., Tal v. Hogan*, 453 F.3d 1244, 1254 (10th Cir. 2006); *Harrison v. Wahatoyas, LLC*, 253 F.3d 552, 556 (10th Cir. 2001) (“As a general matter, a corporation or other business entity can only appear in court through an attorney and not through a non-attorney corporate officer appearing *pro se*.’’); *Lattanzio v. Galen Institute, LLC v. COMTA*, 481 F.3d 137, 140 (2nd Cir. 2007) (“[A] limited liability company [] may appear in federal court only through a licensed attorney.”); *U.S. v. Hagerman*, 545 F.3d 579, 581 (7th Cir. 2008) (“[T]he

right to conduct business in a form that confers privileges, such as the limited personal liability of the owners for tort or contract claims against the business, carries with it obligations one of which is to hire a layer if you want to sue or defend on behalf of the entity.”).

Accordingly, Ms. Robinson and Money & More, Inc., have twenty-one days from the date of this order to file a Notice of Appearance of Counsel (or, in Ms. Robinson’s case, a Notice to Proceed Pro Se). The stay in this case is in effect until through April 6, 2010. The stay will be automatically lifted on April 7, 2010. If no appearance has been filed by April 6, 2010, the Motion to Dismiss will be denied, and Plaintiff may file a motion for default judgment or summary judgment at that time. If appearances are filed by the April 6, 2010 deadline, the court will reschedule the oral argument on the Motion to Dismiss.

CONCLUSION

Therefore, for the foregoing reasons, the Motion to Withdraw As Counsel [Docket #30] is GRANTED, and the Clerk of the Court is directed to remove Rodney R. Parker, Richard A. Van Wagoner, Levi J. Clegg, and the law firm Snow, Christensen & Martineau as counsel of record for Money & More, Inc. and Gale Robinson in the above-captioned matter.

As explained above, the oral argument currently set for March 31, 2010 is VACATED, and this case is STAYED until April 7, 2010. Defendants Money & More, Inc. and Gale P. Robinson must file a Notice of Appearance of Counsel (or, in Ms. Robinson’s case, a Notice of Intent to Proceed Pro Se) by no later than April 6, 2010. Failure to do so may result in default judgment or summary judgment being entered against one or both parties.

DATED this 16th day of March, 2010.

BY THE COURT:



DALE A. KIMBALL
United States District Judge